THE VERDICT PERTAINING TO SEEKING JUDGMENT FROM FABRICATED MAN-MADE LAW

Ahlut-Tawhid Publications

An Exclusive *Fatwa* in Regard to the Ruling of the Rulers who Judge and Rule According to Fabricated Man-Made Law
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QUESTION: *As-salamu 'alaykum wa rahmatullahi wa barakatuhu*, as for what follows…

In this era it has spread that rulers in the Islamic world, whether Arab or non-Arab, rely on ruling with man-made law instead of ruling with the law of Allah, so what is the *hukm* (ruling) on these rulers? We hope to see the answer being supported by textual evidences from the Book, the Sunnah, and the statements of the scholars.

ANSWER: All praise is due to Allah, the Lord of the *'alamin*; and may the *salah* and *salam* [of Allah] be upon the most noble of prophets and messengers, our Prophet Muhammad, his family, and his companions *ajma'in*. As for what follows…

Indeed, when Allah (*subhanahu wa ta'ala*) sent His messenger Muhammad (*sallallahu 'alayhi wa sallam*) with this honorable *din*, which took people out from darkness into light, people at that time were swinging in the darkness of ignorance and misguidance, sinking in the sea of myths and obsolete traditions which they inherited from their fathers and ancestors in every aspect of their lives: beliefs, worship, legal proceedings, and judgments. Their beliefs and worship were based on *shirk* with Allah (*subhanahu wa ta'ala*), as they associated partners and equals with Him from trees, stones, angels, *shayatin*, humans, and others, gaining closeness to them with various types of means which are prohibited to be given to other than Allah; means such as: slaughtering, swearing oaths, and other than them. As for legal proceedings and judgments, they are no less misguidance and corruption in comparison with their way in worship as they used to constitute *tawaghit*, soothsayers, and fortune-tellers who handled those proceedings between people in every dispute they have in aspects of wealth, blood, honor, and other than that. They would establish one

of these [*tawaghit*] in every district, and if the sentencing is issued then it was applied with no objection or review in spite of it being oppressing.

When Allah sent Muhammad (*sallallahu 'alayhi wa sallam*) with this pure *Shari'ah* he abolished these traditions and eradicated them and confined worship to be for Allah (*subhanahu wa ta'ala*) and confined legal proceedings and seeking judgment to the *Shari'ah* of Allah. He (*ta'ala*) said, "The *hukm* (ruling/judgment) is for none except Allah. He has commanded that you worship none except Him," to the end of the *ayah*. And when He (*ta'ala*) said, "The *hukm* is for none except Allah," [this] restricts the *hukm* to the *Shari'ah* of Allah. And: "He has commanded that you worship none except Him," means to restrict worship to Allah (*subhanahu wa ta'ala*) with a way of confining the worship to Him (*ta'ala*) in the most significant and stressed way: negation and making an exception.

Thus the one who reads the Book of Allah would find many *ayat* that shows the obligation of seeking judgment from what Allah has sent down of the pure *Shari'ah* to His messenger (*sallallahu 'alayhi wa sallam*).

1. He (*subhanahu wa ta'ala*) said, "And whoever does not judge by what Allah has revealed – then it is those who are the disbelievers," and this honorable ayah is evidence regards to the *kufr* of the one who turns away from the *hukm* of Allah and His messenger to another *hukm*. The ignorant Murjiah today have tried to divert the meaning of this *ayah* regarding the *kufr* of the ruler who rules with other than what Allah has revealed and said, "This ayah was sent down about the Jews, so its judgment does not include us." This highlights the extent of their ignorance on the fundamental principles that were established by the scholars of *tafsir*, *hadith*, and *usul al-fiqh*, which state that the ruling is taken from the general expression [in the text] and not from the

specific reason for revelation. So if a ruling is sent down based on a specific reason, it is not just applicable only on that reason of revelation, but it goes beyond it and includes every matter that falls under that general expression. And – whoever (*man*) – in the *ayah* is a phrase of generalization; therefore, the ruling is not confined to its reason [of revelation] unless there is a text from the Legislator that limits the ruling to its reason of revelation only, like the *hadith* of the Prophet (*sallallahu 'alayhi wa sallam*) when he was asked by one of his companions (*radiyallahu 'anhum*), "Oh messenger of Allah! I had a young she-goat that is beloved to me more than a sheep and I sacrificed it, is it sufficient for me?" He (*sallallahu 'alayhi wa sallam*) then said, "It is sufficient for you and none after you."

And they, the Murjiah, said that it was narrated from ibn 'Abbas (*radiyallahu 'anhu*) that he was asked about the *tafsir* of the ayah, "And whoever does not judge by what Allah has revealed – then it is those who are the disbelievers," that ibn 'Abbas said, "*Kufr* less than kufr," and in another narration, "It is not the *kufr* they (i.e. the Khawarij) go for." The reply to that is that Hisham ibn Hujayr, the narrator of this narration from Tawus from ibn 'Abbas, has been spoken about by the leading scholars of *hadith* such as Imam Ahmad, Yahya ibn Ma'in and others. We have a different narration from Tawus from a man who is more trustworthy than him (i.e. Hisham ibn Hujayr) who is 'Abdullah ibn Tawus who narrated from his father that when ibn 'Abbas was asked about the *tafsir* of this ayah he said, "It is *kufr*."

2. He (*ta'ala*) said: "But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission." This *ayah* is evidence for negating the *iman* of whoever

does not rule by the law of *Allah* due to Allah swearing in it the negation of *iman* from whoever until they have three matters:

A. To seek judgment from the law of Allah.
B. Find within themselves no discomfort; rather, they are pleased with it.
C. Submit to the *hukm* of Allah and are pleased with it

And as the Murjiah attempted to divert the meaning of the previous *ayah* on the *kufr* of the ruler who rules with other than what Allah has revealed, they have tried as well to divert the meaning of this *ayah* from negating the reality of *iman*. They said, "This negation negates the completeness of *iman*, not its reality." These ignorant people do not know that the foundation in the pure Arabic language is that we do not go to the metaphorical meaning unless we have a presumption that obligates diverting the expression from the stronger possibility to the weaker possibility. Therefore, which evidence and presumption is there to divert this *ayah* from negating the reality of *iman* to negating the completeness of *iman*?

3. He (*subhanahu wa ta'ala*) said: "Have you not seen those (i.e. hypocrites) who claim that they believe in that which has been sent down to you and that which was sent down before you? They wish to go for judgment to the *taghut* while they have been ordered to disbelieve in it; and *Shaytan* wishes to lead them far astray. And when it is said to them, 'Come to what Allah has revealed and to the Messenger," you see the *munafiqin* turning away from you in aversion." This noble *ayah* is evidence that whoever seeks judgment from the *taghut* or rules by it that their *iman* has been nullified as evidenced by His (*ta'ala*) saying, "those who claim to have believed." Because if they were believers in truth the *ayah* would not have said that they claim to

have believed, and when He said that they claim to have believed it indicates the absence of the reality of *iman* in Allah. Also, in His (*ta'ala*) saying, "while they were commanded to disbelieve in it, and *Shaytan* wishes to lead them far astray," is another proof on the absence of the reality of *iman* from them. And knowing the reason this *ayah* was revealed makes it evidently clear the *kufr* of whoever seeks judgment from the *taghut* or rules by it.

The scholars of *tafsir* have mentioned the reason behind the revelation of this *ayah* was because there was a dispute between a man from the Jews and another man. The Jew said, "Let us take our case to the Messenger of Allah." The other man said, "No, let us take our case to Ka'b ibnul-Ashraf, the Jew." Then this *ayah* was revealed. Ash-Sha'bi said

> There was a dispute between a man from the *munafiqin* and a man from the Jews; the Jew said, "Let us take our case to Muhammad," as he knew that he (*sallallahu 'alayhi wa sallam*) does not accept bribes, and the *munafiq* said, "Let us seek judgment from the Jews," since he knew that they take bribes. So they agreed to refer to a fortune teller in Juhaynah and to seek judgment from him. Then the ayah, "Have you not seen those who claim," to the end of the *ayah* was revealed."

And despite that this narration from ash-Sha'bi has some weakness, there are plenty of related narrations that strengthen it. And what gives support in regards to the *kufr* and apostasy of those mentioned in the *ayah* is that 'Umar ibnul-Khattab (*radiyallahu 'anhu*) killed the one who refused to prefer the ruling of the Prophet (*sallallahu 'alayhi wa sallam*), and if he was not an apostate, 'Umar would not have killed him. It was narrated from 'Urwah ibnuz-Zubayr that he said, "Two men disputed and referred to the Messenger of Allah (*sallallahu 'alayhi*

wa sallam), and he judged for one of them, and the one who was judged against said, "Refer us to Umar," so the Prophet (*sallallahu 'alayhi wa sallam*) said, "Ok, refer to 'Umar," and they went to him. When they met him the one whom the Prophet (*sallallahu 'alayhi wa sallam*) judged for said, "Oh ibnul-Khattab! The Messenger of Allah *(sallallahu 'alayhi wa sallam*) judged for me and this man said refer us to 'Umar, and the Prophet (*sallallahu 'alayhi wa sallam*) referred us to you." So 'Umar said, "Is that so?" to the one who was judged against, and he said, "Yes." So 'Umar said, "Stay where you are until I come out and judge between you." Then, he came out with his sword and hit the one who said "refer us to 'Umar" and killed him. The difference here context does not invalidate its existence because of the possibility of having many incidents that caused the *ayah* to be revealed, as in His (*ta'ala*) saying, "And when it is said to them, 'Come to what Allah has revealed and to the Messenger,' you see the *munafiqin* turning away from you in aversion," indicates that whoever shuns the *hukm* of Allah and His messenger and turns away from it is a *munafiq*; and the *munafiq* is a *kafir*.

The one who judges by man-made laws is a *kafir*, as established earlier, as well the one who legislates man-made laws, because by his legislating these laws he [claims to] be a partner with Allah in legislation. He (*ta'ala*) said, "Or have they other deities who have legislated for them a way to which Allah has not given permission? But if not for the decisive word, it would have been concluded between them. And indeed, the wrongdoers will have a painful punishment." And He (*ta'ala*) said, "He does not have *shirk* in His rule." And He (*'azza wa jall*) said, "They have taken their scholars and monks as lords besides Allah." For this reason, when 'Adi ibn Hatim heard this *ayah* he said, "Oh Messenger of Allah, we did not worship them." The Prophet (*sallallahu 'alayhi wa sallam*) said, "Don't they prohibit what Allah has permitted and you prohibit it, and they permit

what Allah has prohibited and you permit it?" He said, "Yes." He (*sallallahu 'alayhi wa sallam*) said, "That is you worshipping them."

The noble *ayah*, based on the *hadith* of 'Adi ibn Hatim, makes it clear that permitting, prohibiting, and legislating is from the characteristics that are specific to Him (*ta'ala*), and whoever prohibits, permits, legislates whatever contradicts the law of Allah, then he claims to be a partner to Allah in His special qualities.

Therefore, due to the previous noble *ayat* and our comments on them it is clear that whoever rules by other than what Allah has revealed and turns away from the law of Allah and His *hukm* – that he is a *kafir* in Allah *al-'Adhim* and outside the fold of Islam. And like him is the one who places man-made laws for people, because if he was not pleased with them, he would not have ruled by them, as reality shows his untruthfulness. Many of these rulers have the authority to prevent these laws, change the constitution, remove them, and so on. If we say, for example, that these rulers have not set these laws and legislated them for their people, then who made it obligatory upon the people to refer to these laws and punishes whoever rejects them? Their reality and situation is not far from ijma' of kufr narrated by ibn Taymiyyah and ibn Kathir (*rahimahumallah*) in relation to the situation and reality of the Tatar, as the Tatar [then] did not place and legislate the *Yasiq* (i.e. their constitution), the one who legislated it was one of their first rulers: Genghis Khan. And the status of these [today] is like the status of that.

Thus it is clear that the ruler who rules by other than what Allah has revealed falls into *kufr* from [at least] one or two aspects:

1. From the aspect of legislation if he legislates.
2. From the aspect of ruling if he rules.

Since I have finished mentioning the evidences of the *kufr* of the one

who judges by man-made laws from the texts (i.e. Quran and Sunnah), I will now mention the statements of the *'ulama* and *aimmah* on the issue of the *kufr* of those who rule by man-made laws:

1. Shaykhul-Islam Taqiy ad-Din ibn Taymiyyah said in *al-Fatawa* (3/267), "And whenever a person permits what is prohibited by *ijma'*, or prohibits what is permitted by *ijma'*, or changes the legislation that is agreed upon by *ijma'*, then he is a *kafir* by the agreement of the scholars." And he said in *al-Fatawa* (35/372), "And whenever the scholar leaves what he knows from the Book of Allah and the Sunnah of His messenger, and follows the *hukm* of the ruler who contradicts the *hukm* of Allah and His messenger, then he is an apostate *kafir* who deserves punishment in this life and the Hereafter."

2. Ibn Kathir said in *Al-Bidayah wan-Nihayah* (13/119), "Whoever leaves the Wise Legislation that was revealed to Muhammad (*'alayhis-salah was-salam*), the seal of the prophets, and seeks a ruling from other than it from the abrogated laws has disbelieved; so what of whoever seeks judgment from the *Yasiq* and puts the *Yasiq* before it? Whoever does that has disbelieved by the agreement of the *Muslimin*."

3. Our shaykh, Shaykh Muhammad al-Amin ash-Shanqiti (*rahimahullah*), after he mentioned the texts that showed the *kufr* of those who rule by man-made laws, said, "And with these Heavenly texts that we have mentioned, it becomes apparent that the ones who follow the man-made laws, which the *Shaytan* has legislated upon the tongues of his allies and which oppose that which Allah (*jalla wa 'ala*) has legislated upon the tongue of His messenger (*sallallahu 'alayhi wa sallam*) that no one doubts their *kufr* and their *shirk* except him who Allah has removed his sight and has blinded them to the light of the revelation just like them (i.e. the followers of the *taghut* legislators)."

4. Our shaykh, Shaykh Muhammad ibn Ibrahim Al ash-Shaykh in his comment on the *ayah*: "But no, by your Lord, they will not believe…" said, "Verily, Allah (*subhanahu wa ta'ala*) negated the *iman* of those who do not refer to the judgments of the Prophet (*sallallahu 'alayhi wa sallam*) in their disputes between them; an assured negation that is repeated by utilizing the linguistic tool of negation coupled with an oath." That is what he (*rahimahullah*) has said commenting on this *ayah*. And since I have attended his (*rahimahullah*) circles for many years I have heard him more than once emphasizing this issue and stating the *kufr* of those who rule by other than the legislation of Allah, as he explained in his A Letter on Ruling by Man-Made Laws.[1]

5. Our shaykh, Shaykh 'Abdul-'Aziz ibn Baz (*rahimahullah*) in his treatise *Refuting Arab Nationalism*, p. 39, said on those who set laws that oppose the Quran: "And that is great corruption, clear *kufr*, and clear apostasy, as He (*ta'ala*) said, 'But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in full submission.' And He (*ta'ala*) said, 'Is it the judgment of ignorance they desire? But who is better than Allah in judgment for a people who are certain [in faith].'" Until the shaykh (*rahimahullah*) said, "…And every state that does not rule by the law of Allah and does not submit to the ruling of Allah, then it is a *jahiliyyah*, *kafirah*, *dhalimah*, *fasiqah* state based on the evidences in these clear *ayat*. It is obligatory on the people of Islam to hate it and show enmity towards it, and it is prohibited for them to love and ally with them until they

[1] By the favor of Allah, Ahlut-Tawhid Publications was able to translate, edit, and publish the aforementioned work under the same title. See https://www.docdroid.net/8qFyZcv/a-letter-on-ruling-by-man-made-laws.pdf

believe in Allah alone and rule by His law."

What I have mentioned of texts and statements from the scholars is enough to show that ruling with man-made laws is *kufr* and that the one who rules by it is *kafir* in Allah *al-'Adhim*. And if I was to mention all what the scholars have said in this issue the speech would be very long, and what I have mentioned is sufficient to answer the one who asked the question.

And may the *salah* and *salam* [of Allah] be upon our Prophet Muhammad, his family, and his companions.

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